

EXHIBIT D

SERVICE COPY

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

WASHINGTON

EASTERN

District of

James S. Gordon, Jr.

SUMMONS IN A CIVIL CASE

V.

Impulse Marketing Group, Inc.
a Nevada Corporation

CASE NUMBER: CV-04-5125-FVS

TO: (Name and address of Defendant)

Impulse Marketing Group, Inc.
c/o Capital Corporate Services, Inc. (registered agent)
202 S. Minnesota Street
Carson City, Nevada 89703

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

James R. Larsen

NOV 23 2004

CLERK

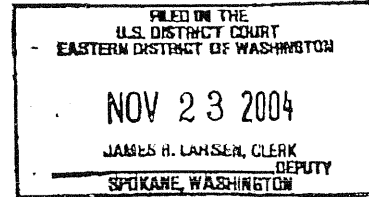
Carla Richardson

DATE

(By) DEPUTY CLERK

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DOUGLAS E. MCKINLEY, JR.
Attorney At Law
P.O. Box 202
Richland, Washington 99352
Phone 628-0809 Fax (509) 628-2307



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

JAMES S. GORDON, JR.,
an individual residing in
Benton County, Washington.

Plaintiff,

vs.

IMPULSE MARKETING GROUP, INC.,
a Nevada Corporation

Defendant.

NO. CV-04-5125-FVS

COMPLAINT

JURY TRIAL REQUESTED

TO: CLERK OF COURT

AND TO: Impulse Marketing Group, Inc.
C/o Capital Corporate Services, Inc. (registered agent)
202 S. Minnesota Street
Carson City, NV 89703

COMES NOW, plaintiff, James S. Gordon, Jr., and brings this COMPLAINT against
defendant named herein. Plaintiff alleges the following on information and belief:

1. PARTIES

COMPLAINT

1

DOUGLAS E. MCKINLEY, JR.
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Phone 628-0809 Fax (509) 628-2307

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1.1 Plaintiff James S. Gordon, Jr. is and was a resident of Benton County,
Washington during the time of all acts complained of herein.

1.2 Defendant IMPULSE MARKETING GROUP, Inc., is a Nevada Corporation
having its principle place of business located at FIVE CONCOURSE PKWY
#1950, Atlanta, GA 30328.

2. JURISDICTION

2.1 The Defendants regularly transact business within the State of Washington by
sending thousands of commercial electronic mail messages to residents of the
State of Washington.

2.2 As a result of the Defendant's transactions within the State of Washington, this
Court has personal jurisdiction over the Defendants under RCW 4.28.185(1)(a).

2.3 The cause of action complained of herein includes allegations that commercial
electronic messages sent by or on behalf of the Defendants to the Plaintiff
violate RCW 19.190 et seq. and RCW 19.86 et seq. and includes a prayer for
relief in excess of \$75,000, exclusive of interest and costs.

2.4 This Court has original jurisdiction over the subject matter of this complaint
under 28 U.S.C. § 1332 as it is a controversy between citizens of different
states, it contains allegations that the Defendants' conduct violated RCW 19.86
et seq. and RCW 19.190 et seq., and the amount in controversy exceeds
\$75,000, exclusive of interest and costs.

3. CAUSE OF ACTION

COMPLAINT

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1
2 3.1 Plaintiff realleges Paragraphs 1.1 through 2.4 and incorporates them herein as if
3 set forth in full.

4 3.2 The Plaintiff is the registrant of the internet domain name "Gordonworks.com."

5
6 3.3 At all times relevant to this action, the Plaintiff's status as a Washington
7 resident is and was available, upon request, from the Plaintiff.

8 3.4 The Plaintiff's status as a Washington resident and the Plaintiff's internet
9 domain name "Gordonworks.com" has been and is registered, at all times
10 relevant to this complaint, with the Washington's Association of Internet
11 Service Providers' (WAISP) database.

12
13 3.5 Plaintiff is an interactive computer service as that term is defined in RCW
14 19.190.010 (7)

15 3.6 Defendants initiated the transmission, conspired with another to initiate the
16 transmission, or assisted the transmission, of thousands of commercial
17 electronic mail messages to the Plaintiff at various addresses at the Plaintiff's
18 domain "Gordonworks.com."

19
20 3.7 The commercial electronic mail messages sent by the Defendants violated at
21 least one prohibition of RCW 19.190.020 (1)(a) or (b) because each of the
22 commercial electronic mail messages:

23 3.7.1 misrepresent or obscure information identifying the point of origin of the
24 commercial electronic mail message, and/or
25
26

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- 1 3.7.2 misrepresent or obscure information identifying the transmission path of the
2 commercial electronic mail message, and/or
3
4 3.8 contain false or misleading information in the subject line of the commercial
5 electronic mail message.
6
7 3.9 The commercial electronic mail messages sent by others with whom the
8 Defendants conspired to initiate the transmission, or assisted the transmission,
9 violated at least one prohibition of RCW 19.190.020 (1)(a) or (b) because each
10 of the commercial electronic mail messages:
11
12 3.9.1 misrepresent or obscure information identifying the point of origin of the
13 commercial electronic mail message, and/or
14
15 3.9.2 misrepresent or obscure information identifying the transmission path of the
16 commercial electronic mail message, and/or
17
18 3.10 contain false or misleading information in the subject line of the commercial
19 electronic mail message.
20
21 3.11 The Defendants knew or consciously avoided knowing that the initiator of these
22 commercial electronic mail messages was engaged in a practice that violates
23 Washington State's consumer protection act, RCW 19.86.
24
25 3.12 Pursuant to RCW 19.190.030 (1)(a) and (b), all of the commercial electronic
26 mail messages violate Washington State's consumer protection act, RCW 19.86,
because each of the commercial electronic mail messages:
3.12.1 misrepresent or obscure information identifying the point of origin of the
commercial electronic mail message, and/or

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1 3.12.2 misrepresent or obscure information identifying the transmission path of the
2 commercial electronic mail message, and/or

3 3.12.3 contain false or misleading information in the subject line of the commercial
4 electronic mail message.
5

6
7 4. PRAYER FOR RELIEF

8 4.1 Plaintiff, James S. Gordon, Jr., prays for relief as follows:

9 4.2 That the Court adjudge and decree that defendants have engaged, and continue
10 to engage, in the conduct complained of herein.

11 4.3 That the Court adjudge and decree that the conduct complained of in paragraphs
12 3.1 through 3.12.3, constitutes violations of the Commercial Electronic Mail
13 Statute, RCW 19.190.020.
14

15 4.4 That the Court adjudge and decree that the conduct complained of in paragraphs
16 3.1 through 3.12.3 constitutes violations of the Commercial Electronic Mail
17 Statute, RCW 19.190.030, and therefore violate the Consumer Protection Act,
18 RCW 19.86.
19

20 4.5 That the Court assess civil penalties, pursuant to RCW 19.190.040(1) of five
21 hundred dollars (\$500) per violation against each of the defendants for each and
22 every one of the violations of RCW 19.190.020 caused by the conduct
23 complained of herein.

24 4.5.1 That the Court assess civil penalties, pursuant to 19.190.040(1) of one thousand
25 dollars (\$1,000) per violation against defendant for each and every one of the
26

COMPLAINT

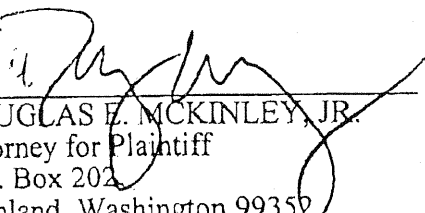
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1 commercial electronic email messages sent through plaintiff's interactive
2 computer service in violation of RCW 19.190.020.

3 4.6 That the Court enter judgment pursuant to RCW 19.86.090 providing that
4 Plaintiff has been injured by the conduct complained of herein, and ordering that
5 the Plaintiff recover from each of the defendants the costs of this action,
6 including reasonable attorney's fees.

7
8 4.7 That the Court order such other relief as it may deem just and proper to fully and
9 effectively remedy the effects of, and prevent future instances of, the conduct
10 complained of herein, or which may otherwise seem proper to the Court.
11

12
13 DATED this 23rd day of November, 2004.

14 
15 DOUGLAS E. MCKINLEY, JR.
16 Attorney for Plaintiff
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18 Richland, Washington 99352
19 Telephone (509) 628-0809
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VERIFICATION

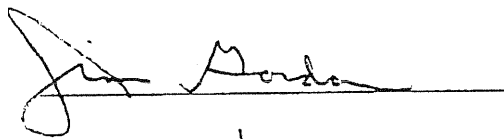
STATE OF WASHINGTON)

:ss.

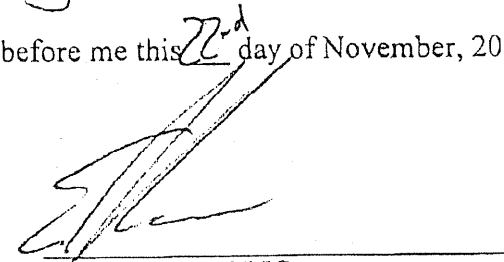
COUNTY OF BENTON)

James S. Gordon, Jr., being first duly sworn, states that he has read the foregoing COMPLAINT and that the statements contained therein are true to the best of his knowledge and belief.

Dated this 22 day of November, 2004.



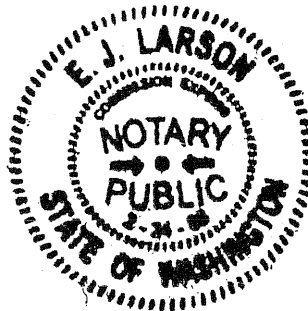
SUBSCRIBED AND SWORN to before me this 22nd day of November, 2004.



NOTARY PUBLIC
Residing in the State of Washington

My Commission Expires:

2/4/2008



COMPLAINT

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